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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,597	09/11/2000	Steven P. Larky	0325.00418 CD117	4974
21363	7590	07/08/2004	EXAMINER	
CHRISTOPHER P. MAIORANA, P.C. 24840 HARPER ST. CLAIR SHORES, MI 48080			WEST, JEFFREY R	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Information Disclosure Statement

1. On March 30, 2004, Applicant filed a Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97. The Examiner, however, notes that 37 C.F.R. § 1.97 indicates:

- (c) An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:
 - (1) The statement specified in paragraph (e) of this section; or
 - (2) The fee set forth in § 1.17(p).
- (d) An information disclosure statement shall be considered by the Office if filed by the applicant after the period specified in paragraph (c) of this section, provided that the information disclosure statement is filed on or before payment of the issue fee and is accompanied by:
 - (1) The statement specified in paragraph (e) of this section; and
 - (2) The fee set forth in § 1.17(p).
- (e) A statement under this section must state either:
 - (1) That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
 - (2) That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

37 C.F.R. § 1.56 indicates that:

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

Since a Final Office Action was mailed on November 04, 2003, the filing of this Information Disclosure Statement must meet the conditions of C.F.R. § 1.97(d).

2. While Applicant has indicated with the filing of the Information Disclosure

Statement that, “[n]o item of information contained in the information disclosure statement submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application; and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement submitted herewith was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement,” it is noted that at least one item listed on the Information Disclosure Statement was made known to Applicant in a Non-Final Office Action of U.S. Patent Application No. 09/658,894, which is copending with the instant application. Since the Office Action of U.S. Patent Application No. 09/658,894 was mailed on July 16, 2003, which is more than three months prior to the filing of the Information Disclosure Statement, the Information Disclosure Statement does not meet the requirements of 37 C.F.R. § 1.97 and is not considered.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. West whose telephone number is (571)272-2226. The examiner can normally be reached on Monday through Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571)272-2216. The fax phone number

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for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jrw

June 15, 2004



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